

Sri Lanka

In 2006 the Sri Lankan government and the armed opposition Liberation Tigers of Tamil Eelam (LTTE) both undertook major military operations for the first time since agreeing to a ceasefire in 2002. The fighting resulted in a dramatic increase in serious violations of international humanitarian and human rights law and massive displacements of the largely Tamil and Muslim populations in the embattled north and east of the country.

Government forces were implicated in several massacres of civilians, indiscriminate aerial bombing and shelling, and complicity in the abduction of children for use as combatants. The LTTE was responsible for direct attacks on civilians with landmines and suicide bombings, targeted killing of political opponents, and the continued recruitment of children into their forces. Both sides conducted military operations with little regard for the safety of civilians in the conflict zone and interfered with the delivery of relief assistance by humanitarian agencies.

In the latter half of the year, government security forces and associated armed groups, as well as the LTTE, were implicated in dozens of killings and “disappearances” of Tamils in the north and east, and in Colombo. Impunity prevailed as government investigations of serious abuses produced no successful prosecutions.

Violations of International Humanitarian Law

The resumption of major military operations between the Sri Lankan government and the LTTE in April 2006 placed civilians at greater risk than at any time since the signing of the 2002 ceasefire agreement. Violations of international humanitarian law, including indiscriminate attacks and summary executions, have resulted in numerous preventable civilian deaths and injuries. The Sri Lankan armed forces have engaged in indiscriminate shelling and aerial bombing with little regard to the expected harm caused to civilians. For example, in the fighting over Mutur town in early August,

indiscriminate shelling by the military resulted in the deaths of at least 49 civilians, mostly Muslims, who had sought shelter in schools. As many as 51 young women and girls died in an August 14 bombing raid in Mullaitivu district deep in LTTE-controlled territory. While the Sri Lankan military claimed the young women were LTTE military recruits, available evidence indicates that they were students receiving civil defense training, and thus civilians. The military's shelling of a displaced persons camp on November 8 left at least 35 civilians dead and 100 wounded.

The Karuna group, led by a former LTTE commander who broke away from the LTTE in 2004 and whose forces have been increasingly linked to the government forces, has forcibly abducted children for use in combat operations. Since June 2006 the Karuna group has abducted several hundred boys and young men in government-controlled areas of Batticaloa, Trincomalee and Ampara districts, in which local police and military have been complicit or even actively participated.

The LTTE has directly targeted civilians with Claymore mines—a remotely targetable landmine—and suicide bombings, summarily executed persons in its custody, and conducted so-called perfidious attacks (in which combatants feign being civilians) against Sri Lankan military personnel. The LTTE's landmine attack on June 15, 2006 on a bus in Anuradhapura killed 67 civilians, including many children. In August the LTTE diverted to territory under its control some thirty thousand displaced persons fleeing Mutur and detained a dozen young men, who remain missing and are feared dead.

The LTTE imposes mandatory military and civil defense training on a large scale on the civilians in areas it controls and arms civilians to fill checkpoints and sentry posts, dangerously blurring the line between combatants and civilians. Despite widespread international criticism, the LTTE continues to recruit children to be soldiers in its forces.

Extrajudicial Killings, Abductions, and Communal Violence

Politically motivated killings and abductions drastically increased in 2006. Sri Lankan security forces are believed responsible for a number of serious incidents in 2006, including the summary execution of five Tamil students in Trincomalee on January 2, the “disappearance” of eight young men from a Hindu temple in Jaffna on May 6, the

execution-style slaying of five Tamil fishermen on Mannar island on June 17, and the killing of 11 Muslims in Pottuvil on September 18. The pro-LTTE Tamil National Alliance blamed the government for the murder of parliamentarian Nadarajah Raviraj in Colombo on November 10. Father Jim Brown, a Sri Lankan Catholic priest who had reportedly been receiving threats from the military, “disappeared” on Kayts Island near Jaffna in August after last being seen at a government checkpoint. Dozens of other abductions implicating the security forces, the Karuna group and other armed groups associated with the government were reported in the second half of the year.

Since the beginning of the 2002 ceasefire, the LTTE has been implicated in more than 200 targeted killings, mostly of Tamils viewed as political opponents. Alleged LTTE cadres shot and killed eight Sinhalese men in April, including three sixteen-year-old boys, while they worked in their paddy fields outside a village in Trincomalee. An LTTE car bombing on August 8 in Colombo injured a Tamil member of parliament and killed a bodyguard and a three-year-old child. On August 12, suspected LTTE gunmen shot and killed Kethesh Loganathan, the highly respected Tamil deputy head of the government’s Peace Secretariat, at his home in Colombo.

The government and the LTTE generally failed to take steps to prevent or stop serious incidents of communal violence between Tamils, Muslims, and Sinhalese. On April 12 in Trincomalee, seemingly organized Sinhalese mobs responded immediately to an apparent LTTE bombing by razing dozens of Tamil businesses and homes and killing several people; military and police personnel stood and watched for two hours before putting an end to the violence. After the body of a murdered young Sinhalese man was found in a village outside Trincomalee on April 14, Sinhalese villagers went on a rampage in a neighboring Tamil village and set fire to over forty homes and a Hindu temple. More positively, the government promptly intervened to stop anti-Tamil violence in Galle in the south after an LTTE attack on the town.

Interference with Humanitarian Assistance

Humanitarian aid often did not reach those in need in 2006. Neither the government nor the LTTE took necessary measures to ensure that humanitarian relief got to the 240,000 people who were forced to flee their homes or the hundreds of thousands

who otherwise required assistance because of the fighting. Aid workers were the targets of threats, harassment, and sometimes armed attack.

Government efforts to provide aid was slow and cumbersome, and the Ministry of Defense placed new and unnecessarily onerous visa requirements on foreign staff to work in the north and east, especially in LTTE-controlled areas. Ever since the end of major fighting on the Jaffna peninsula in August, the government and the LTTE have hindered the delivery of humanitarian assistance.

Local and international non-governmental organizations faced increasing hazards in their work. Harassment, threats, and violence became a common occurrence for aid workers in the north and east, threatening the delivery of aid. Unidentified attackers threw grenades at the compounds of several humanitarian organizations during the year. The execution-style killings on August 5 of 17 Sri Lankan aid workers from the international organization Action Contre la Faim (Action Against Hunger), allegedly by government security forces, and the failure of the government to vigorously conduct an investigation had a major chilling effect on humanitarian work.

Impunity

Impunity for perpetrators of human rights abuses remained the greatest obstacle to ending the daily political killings in Sri Lanka's north and east. The government has frequently initiated investigations into alleged rights violations by government security forces, but rarely have these investigations led to prosecutions, let alone convictions. A particular impediment has been the failure of the government to institute meaningful witness protection, which would encourage witnesses to politically motivated crimes to come forward. This was evident in the case of the killing of five students in Trincomalee in January 2006, in which the one witness willing to come forward and his family have been repeatedly subject to threats and harassment by government security forces. President Mahinda Rajapakse's effective immobilization of the Sri Lankan Human Rights Commission and the Police Commission because of an ostensible constitutional dispute weakened two important arms for accountability.

In September, President Rajapakse announced the creation of a presidential commission of inquiry that would, with international observers, investigate the fifteen most serious cases of the past year, most of which have been attributed to government security forces. As of this writing, it was not clear when the commission would become operational.

Key International Actors

International expressions of concern about the situation in Sri Lanka were greater in 2006 than at any time in recent memory, but these did not translate into international action on human rights.

In March the United Nations Special Rapporteur on Extra-Judicial Executions, Philip Alston, issued a report sharply critical of both the government and the LTTE for continuing and widespread killings. He noted: “The current impasse in negotiations is no excuse for either side not taking immediate steps to end political killings and protect human rights. The dangerous escalation of the conflict in recent days is a direct consequence of killings being allowed to run unchecked.” In September the UN High Commissioner for Human Rights, Louise Arbour, along with Alston, urged the creation of an international human rights monitoring mission to Sri Lanka.

Canada and the European Union joined India, the United States, the United Kingdom and Australia by adding the LTTE to their lists of terrorist organizations. When the LTTE then demanded that EU members of the Sri Lanka Monitoring Mission—Finland, Denmark, and Sweden—remove their monitors, they promptly did so, although their removal violated the ceasefire agreement.

A September 7 resolution by the European Parliament condemned violations of human rights and humanitarian norms by all parties to the conflict and supported calls for an independent international human rights monitoring mission.

On several occasions in 2006, the Co-Chairs of the Tokyo Donor Conference—Norway, the EU, the US and Japan—publicly expressed concerns about human rights abuses by all sides in Sri Lanka. On September 12 the Co-Chairs announced that they were “deeply alarmed” by the escalation of the violence that had resulted in the “abuse of

human rights, the displacement of innocent citizens, a humanitarian crisis and an exodus of refugees to India.” The Co-Chairs called upon both parties to “stop further violations of fundamental principles of Humanitarian Law and Human Rights.” They were “particularly concerned that even major cases of human rights’ abuses [were] not successfully investigated or prosecuted. As in any modern state, the culture of impunity must stop.”

In October efforts by EU members on the UN Human Rights Council to adopt a resolution on human rights in Sri Lanka were opposed by states of the Organization of the Islamic Conference and several Asian governments. The US opposed efforts by the EU to include in its draft resolution a reference to an international human rights monitoring mission.